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DAE

#13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Christophe Francois et al.
Appln. No. : 09/332,489
Filed : June 14, 1999
Title : PROCESS FOR MAKING REMOTE
PAYMENTS FOR THE PURCHASE OF
GOODS AND/OR A SERVICE THROUGH A
MOBILE RADIOTELEPHONE, AND
CORRESPONDING SYSTEM AND MOBILE
RADIOTELEPHONE

Group Art Unit: 2744

Examiner:

RECEIVED

JUN 06 2002

OFFICE OF PETITIONS

Docket No. : S828.312-0002

REQUEST FOR REFUND
(37 C.F.R. 1.47(a))

Assistant Commissioner for Patents
BOX DAC
Washington, D.C. 20231

I CERTIFY THAT THIS PAPER IS BEING SENT BY U.S. MAIL,
FIRST CLASS, TO THE ASSISTANT COMMISSIONER FOR
PATENTS, WASHINGTON, D.C. 20231, THIS 15TH DAY OF

May 2002
PATENT ATTORNEY

Sir:

I. Refund Request

Applicant requests a refund in the total amount of \$620.00.

The Decision Dismissing Petition mailed March 18, 2002 on the above-referenced patent application held that a fifth month was needed for timely filing the petition and the accompanying documents beyond January 17, 2000 to January 18, 2000. In fact, January 17 of 2000 was Martin Luther King Jr. Day, a Federal holiday. See the attached Proclamation of Martin Luther King Jr. Day Under 37 C.F.R. 1.7, when the deadline in the Patent and Trademark Office falls on Saturday, Sunday, or on a Federal holiday within the District of Columbia, the action may be taken, or the fee paid on the next succeeding day which is not a Saturday, Sunday, or a Federal holiday. According, Tuesday, January 18, was the next succeeding day which was not a Saturday, Sunday, or Federal holiday and was the proper day for acceptance of the Petition with the four month extension of time. Applicant should not have been charges \$490.00 as indicated in the Decision Dismissing Petition

mailed March 18, 2002.

Adjustment date: 09/04/2002 AKELLEY
04/09/2002 AKELLEY 00000022 110982 09332489
02 FC:105 130.00 CR
Adjustment date: 09/04/2002 AKELLEY
04/09/2002 AKELLEY 00000022 110982 09332489
03 FC:128 490.00 CR

The Decision Dismissing Petition mailed March 18, 2002 indicated that Applicant had been twice charge the \$130 fee required under 37 C.F.R. 1.16, once by check and once by deposit account withdrawal. The fee under 37 C.F.R. 1.16 is for late filing of **one or more** of the basic filing fee and the Declaration. See 37 C.F.R. 1.16; Form PTO-1533, Notice to File Missing Parts of Application mailed July 16, 1999. Applicant should only be charged a single fee under 37 C.F.R. 1.16 for late filing of one or more of the basic filing fee and the Declaration, even if both the basic filing fee and the Declaration were omitted from the original filing. Applicant requests a refund of the second fee of \$130.00 charged under 37 C.F.R. 1.16.

The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. 1.16 and 1.17 and credit any over payments to Deposit Account No.11-0982.

Deposit Account Name: Kinney & Lange, P.A.

Respectfully submitted,

KINNEY & LANGE, P.A.

By: 

Jeffrey D. Shewchuk, Reg. No. 37,235

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COPY OF PAPERS
ORIGINALLY FILED

#12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named

Inventor : Christophe Francois et al.

Appln. No. : 09/332,489

Filed : June 14, 1999

Title : PROCESS FOR MAKING REMOTE
PAYMENTS FOR THE PURCHASE OF
GOODS AND/OR A SERVICE THROUGH A
MOBILE RADIOTELEPHONE, AND
CORRESPONDING SYSTEM AND MOBILE
RADIOTELEPHONE

Group-Art Unit: 2744

Examiner:

RECEIVED

JUN 06 2002

OFFICE OF PETITIONS

Docket No. : S828.312-0002

**REQUEST FOR RECONSIDERATION OF
DECISION DISMISSING PETITION
(RENEWED PETITION UNDER 37 C.F.R. 1.47(a))**

Assistant Commissioner for Patents
BOX DAC
Washington, D.C. 20231

I CERTIFY THAT THIS PAPER IS BEING SENT BY U.S. MAIL,
FIRST CLASS, TO THE ASSISTANT COMMISSIONER FOR
PATENTS, WASHINGTON, D.C. 20231, THIS 15th DAY OF

May 2002
PATENT ATTORNEY

Sir:

Applicant hereby request reconsideration of the Decision Dismissing Petition mailed March 18, 2002 on the above-reference application, and hereby renews its Petition under 37 C.F.R. 1.47(a)). The Decision Dismissing Petition determined that the Petition to accept the application under 37 C.F.R. 1.47(a) was insufficient because there was not sufficient proof that inventors Capitant, Frey, and Jean-Marie were presented with the entire application including the specification, claims and drawings as well as the Declaration and nonetheless refused to sign.

Submitted herewith are three Affidavits signed by Hervé Gosson, Intellectual Property Manager of Cegetal Groupe, parent company of the assignee. These Declarations factually demonstrate that, in addition to the steps previously taken by Frederic Forster on behalf of the Assignee, Mr. Gosson sent each of the refusing inventors on April 10, 2002 by registered mail a request that the inventor sign the Declaration. Mr. Gosson's letter to each of the refusing inventors

included a copy of the full patent application as filed, including "copie de la demande de brevet américaine No. 09/332,489 (texte avec revendications et dessins) " (i.e., copy of the application for American Patent No. 09/332,489 (text with claims and drawings)). Having presented the entire application including the specification with claims and drawings to each of the three refusing inventors and having not received any further response from the refusing inventors, Applicant believes that the current Petition is proper and grantable.

Request for refund of \$620.00. A request for refund of \$620.00 is submitted herewith. Applicant was charged fees of \$490.00 and \$130.00 in error by the Decision Dismissing Petition.

Applicant believes the present application is in condition for acceptance and examination. Reconsideration and notice to that effect is respectfully requested.

Respectfully submitted,

KINNEY & LANGE, P.A.

By: 

Jeffrey D. Shewchuk, Reg. No. 37,235

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UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>8/31/02</u>		2 Serial/Patent # <u>09/332,489</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
	Amendment			\$
<input checked="" type="checkbox"/>	Extension of Time	11	128	\$ 490
	Notice of Appeal/Appeal			\$
	Petition			\$
	Issue			\$
	Cert of Correction/Terminal Disc.			\$
	Maintenance			\$
	Assignment			\$
<input checked="" type="checkbox"/>	Other <i>surcharge late filing of basic fee (see)</i>	11	105	\$ 130
7 TOTAL AMOUNT OF REFUND			\$ 620	
8 TO BE REFUNDED BY:				
10 REASON:		Treasury Check		
	Overpayment	Credit Deposit A/C #:		
	Duplicate Payment	9 11--0982		
	No Fee Due (Explanation):			
<i>changed in error on 1/21/02</i>				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME: <u>PC TANG</u>		TITLE: <u>Petitioner</u>		
SIGNATURE: <u>[Signature]</u>		PHONE: <u>703308-0768</u>		
OFFICE: <u>petition</u>				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****				
APPROVED: <u>[Signature]</u>		DATE: <u>9/4/02</u>		

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